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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

Hai Van Le,

Plaintiff,

vs.

Arizona Department of Corrections, et al.,

Defendants.

No. CV 11-0744-PHX-RCB-ECV

ORDER

Plaintiff Hai Van Le, who is confined in the Arizona State Prison Complex-Lewis, in Buckeye, Arizona, filed a *pro se* civil rights Complaint pursuant to 42 U.S.C. § 1983 and paid the \$350.00 filing fee. In an Order filed on May 31, 2011, the Court dismissed the Complaint with leave to amend within 30 days. (Doc. 3.) On June 16, 2011, Plaintiff filed a motion for a 30-day extension of time. (Doc. 4.) Although Plaintiff fails to state a reason for seeking the extension, the Court will grant his motion.

Warnings

A. Address Changes

Plaintiff must file and serve a notice of a change of address in accordance with Rule 83.3(d) of the Local Rules of Civil Procedure. Plaintiff must not include a motion for other relief with a notice of change of address. Failure to comply may result in dismissal of this

1 action.

2 **B Copies**

3 Plaintiff must submit an additional copy of every filing for use by the Court. See
4 LRCiv 5.4. Failure to comply may result in the filing being stricken without further notice
5 to Plaintiff.

6 **C. Possible “Strike”**

7 Because the Complaint has been dismissed for failure to state a claim, if Plaintiff fails
8 to file an amended complaint correcting the deficiencies identified in the May 31, 2011
9 Order, the dismissal may count as a “strike” under the “3-strikes” provision of 28 U.S.C.
10 § 1915(g). Under the 3-strikes provision, a prisoner may not bring a civil action or appeal
11 a civil judgment *in forma pauperis* under 28 U.S.C. § 1915 “if the prisoner has, on 3 or more
12 prior occasions, while incarcerated or detained in any facility, brought an action or appeal
13 in a court of the United States that was dismissed on the grounds that it is frivolous,
14 malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is
15 under imminent danger of serious physical injury.” 28 U.S.C. § 1915(g).

16 **D. Possible Dismissal**

17 If Plaintiff fails to timely comply with every provision of this Order, including these
18 warnings, the Court may dismiss this action without further notice. See Ferdik, 963 F.2d at
19 1260-61 (a district court may dismiss an action for failure to comply with any order of the
20 Court).

21 **IT IS ORDERED:**


22 (1) Plaintiff’s motion for a 30-day extension of time to file a first amended
23 complaint is **granted** to the extent stated below. (Doc. 4.)

24 (2) Plaintiff is **granted** an additional **30 days** in which to file a first amended
25 complaint in compliance with the May 31, 2011 Order, doc. 3.

26 (3) If Plaintiff fails to file an amended complaint within the extension granted
27 herein, the Clerk of Court must, without further notice, enter a judgment of dismissal of this
28 action with prejudice that states that the dismissal may count as a “strike” under 28 U.S.C.

1 § 1915(g).

2 DATED this 21st day of June, 2011.

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6 Robert C. Broomfield
7 Senior United States District Judge
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